

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

THOMSON REUTERS ENTERPRISE	)	
CENTRE GMBH and WEST PUBLISHING	)	
CORPORATION,	)	C.A. No. 20-613-SB
	)	
Plaintiffs/Counterdefendants,	)	<b>JURY TRIAL DEMANDED</b>
	)	
v.	)	<b>PUBLIC VERSION</b>
	)	
ROSS INTELLIGENCE INC.,	)	
	)	
Defendants/Counterclaimant.	)	

**DECLARATION OF BEATRICE B. NGUYEN IN SUPPORT OF  
ROSS INTELLIGENCE, INC.'S OPPOSITIONS TO  
COUNTERDEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT NOS. 1-4**

OF COUNSEL:

Gabriel M. Ramsey  
Warrington S. Parker III  
Beatrice B. Nguyen  
Joachim B. Steinberg  
Jacob Canter  
CROWELL & MORING LLP  
3 Embarcadero Ctr., 26th Floor  
San Francisco, CA 94111  
Tel: (415) 986-2800

Matthew J. McBurney  
Crinesha B. Berry  
CROWELL & MORING LLP  
1001 Pennsylvania Avenue NW  
Washington, DC 20004  
Tel: (202) 624-2500

David E. Moore (#3983)  
Bindu A. Palapura (#5370)  
Andrew L. Brown (#6766)  
POTTER ANDERSON & CORROON LLP  
Hercules Plaza, 6<sup>th</sup> Floor  
1313 N. Market Street  
Wilmington, DE 19801  
Tel: (302) 984-6000  
[dmoore@potteranderson.com](mailto:dmoore@potteranderson.com)  
[bpalapura@potteranderson.com](mailto:bpalapura@potteranderson.com)  
[abrown@potteranderson.com](mailto:abrown@potteranderson.com)

*Attorneys for Defendant/Counterclaimant  
ROSS Intelligence, Inc.*

Dated: September 28, 2023

Public Version Dated: October 12, 2023

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

THOMSON REUTERS ENTERPRISE	)	
CENTRE GMBH and WEST PUBLISHING	)	
CORPORATION,	)	C.A. No. 20-613-SB
	)	
Plaintiffs/Counterdefendants,	)	<b>JURY TRIAL DEMANDED</b>
	)	
v.	)	<b>PUBLIC VERSION</b>
	)	
ROSS INTELLIGENCE INC.,	)	
	)	
Defendants/Counterclaimant.	)	

**DECLARATION OF BEATRICE B. NGUYEN IN SUPPORT OF  
ROSS INTELLIGENCE, INC.’S OPPOSITIONS TO  
COUNTERDEFENDANTS’ MOTIONS FOR SUMMARY JUDGMENT NOS. 1-4**

I, Beatrice B. Nguyen, declare as follows:

1. I am a Partner at Crowell & Moring, LLP, lead counsel of record for ROSS Intelligence, Inc. I am an attorney admitted to the California Bar and have been admitted *pro hac vice* with this Court. I submit this Declaration in support of ROSS Intelligence, Inc.’s (“ROSS”) (1) Opposition to Counterdefendants’ Motion for Summary Judgment on ROSS’s Antitrust Counterclaims (No. 1) – Separate Products; (2) Opposition to Counterdefendants’ Motion for Summary Judgment on ROSS’s Antitrust Counterclaims (No. 2) – Market Definition and Power; (3) Opposition to Counterdefendants’ Motion for Summary Judgment on ROSS’s Antitrust Counterclaims (No. 3) – Statute of Limitations; and (4) Opposition to Counterdefendants’ Motion for Summary Judgment on ROSS’s Antitrust Counterclaims (No. 4) – Injunctive Relief.
2. A true and correct copy of ¶ 1745d1 from Phillip E. Areeda and Herbert J. Hovenkamp’s *Antitrust Law: An Analysis of Antitrust Principles and Their Application* (August 2023) is attached to this declaration as **Exhibit A**.

3. A true and correct copy of the ABA Model Jury Instructions in Civil Antitrust Cases E-90, Instructions for Presence of Two Products, is attached to this declaration as **Exhibit B**.

4. A true and correct copy of ¶ 1743 from Phillip E. Areeda and Herbert J. Hovenkamp's *Antitrust Law: An Analysis of Antitrust Principles and Their Application* (August 2023) is attached to this declaration as **Exhibit C**.

5. A true and correct copy of ¶ 1744 from Phillip E. Areeda and Herbert J. Hovenkamp's *Antitrust Law: An Analysis of Antitrust Principles and Their Application* (August 2023) is attached to this declaration as **Exhibit D**.

6. A true and correct copy of the Reply Report of Defendant/Counterclaimant's Expert James D. Ratliff, Ph.D. (July 20, 2023) is attached to this declaration as **Exhibit E**.

7. A true and correct copy of the Report of Defendant/Counterclaimant's Expert James D. Ratliff, Ph.D. (May 31, 2023) is attached to this declaration as **Exhibit F**.

8. A true and correct copy of the Report of Defendant/Counterclaimant's Expert L. Karl Branting, J.D., Ph.D. (May 28, 2023) is attached to this declaration as **Exhibit G**.

9. A true and correct copy of presentation entitled [REDACTED] TRCC-00644013 (September 29, 2015) is attached to this declaration as **Exhibit H**.

10. A true and correct copy of an email entitled [REDACTED] [REDACTED] Denton-Thomson\_000013 (November 30, 2017) is attached to this declaration as **Exhibit I**.

11. A true and correct copy of an email entitled [REDACTED] [REDACTED] Denton-Thomson\_000034 (November 30, 2017) is attached to this declaration as **Exhibit J**.

12. A true and correct copy of a memorandum entitled [REDACTED]  
[REDACTED] Denton-Thomson\_000036 (November 29, 2017) is attached to this declaration as **Exhibit K**.

13. A true and correct copy of an email entitled [REDACTED] ROSS-003528324 (January 29, 2017) is attached to this declaration as **Exhibit L**.

14. A true and correct copy of an email entitled [REDACTED] ROSS-003510421 (April 19, 2016), is attached to this declaration as **Exhibit M**.

15. A true and correct copy of an email entitled [REDACTED]  
[REDACTED] TRCC-00069771 (September 1, 2020), is attached to this declaration as **Exhibit N**.

16. The slip sheet for a true and correct copy of a spreadsheet with the Filename [REDACTED] TRCC-05818362 (August 1, 2011) is attached to this declaration as **Exhibit O** and the spreadsheet has been lodged with the Court.

17. The slip sheet for a true and correct copy of a spreadsheet with the Filename [REDACTED] TRCC-05818365 (December 5, 2018) is attached to this declaration as **Exhibit P** and the spreadsheet has been lodged with the Court.

18. A true and correct copy of an email entitled [REDACTED]  
TRCC-01875817\_0001 (July 10, 2017) is attached to this declaration as **Exhibit Q**.

19. A true and correct copy of an email entitled [REDACTED] TRCC-00735652 (October 6, 2021) is attached to this declaration as **Exhibit R**.

20. A true and correct copy of Defendant and Counterclaimant ROSS Intelligence Inc.'s Response and Objection to Plaintiffs' Fifth Set of Interrogatories (May 11, 2023) is attached to this declaration as **Exhibit S**.

21. A true and correct copy of excerpts from the transcript of the deposition of Anthony Phan on May 8, 2023, is attached to this declaration as **Exhibit T**.

22. A true and correct copy of excerpts from the transcript of the deposition of Tomas van der Heijden on May 9, 2023, is attached to this declaration as **Exhibit U**.

23. A true and correct copy of excerpts from the transcript of the deposition of Andrew Arruda on May 19, 2023, is attached to this declaration as **Exhibit V**.

24. A true and correct copy of excerpts from the transcript of the deposition of Thomason Hamilton on May 4, 2023, is attached to this declaration as **Exhibit W**.

25. A true and correct copy of a memorandum entitled [REDACTED]  
[REDACTED] TRCC-00539872 (May 2019),” is attached to this declaration as **Exhibit X**.

26. A true and correct copy of a presentation entitled [REDACTED] TRCC-00194341, is attached to this declaration as **Exhibit Y**.

27. A true and correct copy of excerpts from the transcript of the deposition of Erik Lindberg on April 24, 2023, is attached to this declaration as **Exhibit Z**.

28. A true and correct copy of a presentation entitled [REDACTED] TRCC-01779416 (December 2021), is attached to this declaration as **Exhibit AA**.

29. A true and correct copy of a presentation entitled [REDACTED]  
TRCC-01878637 is attached to this declaration as **Exhibit BB**.

30. A true and correct copy of a brochure entitled [REDACTED]  
[REDACTED] TRCC-02748376 is attached to this declaration as **Exhibit CC**.

31. A true and correct copy of a Thomson Reuters webpage entitled [REDACTED]  
[REDACTED] (January 28, 2020) is attached to this  
declaration as **Exhibit DD**.

32. A true and correct copy of a presentation entitled [REDACTED]  
TRCC-01645565 (August 2021) is attached to this declaration as **Exhibit EE**.

33. A true and correct copy of an email entitled [REDACTED] TRCC-01906000 (December  
8, 2021) is attached to this declaration as **Exhibit FF**.

34. A true and correct copy of an email entitled [REDACTED]  
[REDACTED] TRCC-03906219 (October 29,  
2015) is attached to this declaration as **Exhibit GG**.

35. A true and correct copy of a brochure entitled [REDACTED]  
[REDACTED], TRCC-05235742 is attached to this declaration as **Exhibit  
HH**.

36. A true and correct copy of a Thomson Reuters webpage entitled “West km,”  
downloaded on September 25, 2023, is attached to this declaration as **Exhibit II**. The webpage  
includes a video, and the video that is available through this webpage is available at the  
following link: <https://legal.thomsonreuters.com/en/products/west-km> (last viewed September  
25, 2023).

37. A true and correct copy of a contract entitled [REDACTED] ROSS-  
023101050 (September 27, 2017) is attached to this declaration as **Exhibit JJ**.

38. A true and correct copy of a settlement agreement entitled [REDACTED]  
[REDACTED]

[REDACTED] TRCC-02151854 (July 20, 1988) is attached to this declaration as **Exhibit KK**.

39. A true and correct copy of an email entitled [REDACTED] TRCC-01564207 (May 9, 2022) is attached to this declaration as **Exhibit LL**.

40. A true and correct copy of a spreadsheet attached to Exhibit LL that has the Filename [REDACTED] TRCC-01564211 is attached to this declaration as **Exhibit MM** and the spreadsheet has been lodged with the Court.

41. A true and correct copy of Thomson Reuters's webpage entitled "Legal Data APIs" (downloaded on September 26, 2023) is attached to this declaration as **Exhibit NN**.

42. A true and correct copy of Thomson Reuter's webpage entitled "Westlaw US Legislation API" (captured as a screenshot on September 26, 2023) is attached to this declaration as **Exhibit OO**.

43. A true and correct copy of excerpts from the transcript of the deposition of Mark Hoffman on April 25, 2023, is attached to this declaration as **Exhibit PP**.

44. A true and correct copy of Westlaw Terms and Conditions (September 2023) is attached to this declaration as **Exhibit QQ**.

45. A true and correct copy of Westlaw Terms and Conditions, TR-0002812 (July 1, 2017) is attached to this declaration as **Exhibit RR**.

46. A true and correct copy of Docket Entry 16-1 from this matter, which is a copy of the Westlaw Research Subscriber Agreement (December 1, 2014) is attached to this declaration as **Exhibit SS**.

47. A true and correct copy of a ROSS webpage including the portion entitled "Our Story" (downloaded on September 25, 2023) is attached to this declaration as **Exhibit TT**.

48. A true and correct copy of excerpts from the transcript of the deposition of Andrew Arruda on March 30, 2022, is attached to this declaration as **Exhibit UU**.

49. A true and correct copy of an email entitled “Re: Congratulations!,” ROSS-000201881 (May 12, 2016) is attached to this declaration as **Exhibit VV**.

50. A true and correct copy of an email entitled [REDACTED] ROSS-009673447 (December 12, 2016) is attached to this declaration as **Exhibit WW**.

51. A true and correct copy of excerpts from the transcript of the deposition of Jimoh Ovbiagele on May 2, 2023, is attached to this declaration as **Exhibit XX**.

52. A true and correct copy of the Report of Defendant/Counterclaimant’s Expert Alan J. Cox, Ph.D. (June 1, 2023) is attached to this declaration as **Exhibit YY**.

53. A true and correct copy of a ROSS webpage entitled [REDACTED] [REDACTED] TR-0000030 is attached to this declaration as **Exhibit ZZ**.

54. A true and correct copy of a memorandum entitled [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] INOVIA-00000680 (April 9, 2019) is attached to this declaration as **Exhibit AAA**.

55. A true and correct copy of excerpts from the transcript of the deposition of Michael L. Dahn on May 23, 2023, is attached to this declaration as **Exhibit BBB**.

56. A true and correct copy of an email entitled [REDACTED]  
[REDACTED] TRCC-01052125 (April 16, 2020) is attached to this declaration as **Exhibit CCC**.



57. A true and correct copy of an email entitled [REDACTED]

[REDACTED] TRCC-01506384 (April 24, 2015) is attached to this declaration as **Exhibit DDD**.

58. A true and correct copy of excerpts from the transcript of the deposition of

Andrew Martens on May 5, 2023, is attached to this declaration as **Exhibit EEE**.

59. A true and correct copy of an email entitled [REDACTED]

[REDACTED] TRCC-01887390 (March 29, 2019) is attached to this declaration as **Exhibit FFF**.

60. A true and correct copy of U.S. Department of Justice and the Federal Trade

Commission's Horizontal Merger Guidelines (August 19, 2010) is attached to this declaration as **Exhibit GGG**.

61. A true and correct copy of a presentation entitled [REDACTED]

[REDACTED] TRCC-01327274 (October 2019) is attached to this declaration as **Exhibit HHH**.

62. A true and correct copy of excerpts from the transcript of the deposition of

Bridgett You on April 26, 2023, is attached to this declaration as **Exhibit III**.

63. A true and correct copy of an email entitled [REDACTED]

TRCC-03726570 (September 19, 2022) is attached to this declaration as **Exhibit JJJ**.

64. A true and correct copy of an email entitled [REDACTED]

[REDACTED] TRCC-01507658 (June 26, 2015) is attached to this declaration as **Exhibit KKK**.

65. A true and correct copy of a presentation entitled [REDACTED]

TRCC-01020239, is attached to this declaration as **Exhibit LLL**.

66. A true and correct copy of an email entitled [REDACTED]  
[REDACTED] TRCC-01362714 (March 19, 2021) is attached to this declaration as **Exhibit MMM**.

67. A true and correct copy of an email entitled [REDACTED]  
[REDACTED] TRCC-01477261 (June 26, 2018) is attached to this declaration as **Exhibit NNN**.

68. The slip sheet for a true and correct copy of a spreadsheet with the Filename  
[REDACTED] TRCC-01621492 (November 19, 2019) is attached to this declaration as **Exhibit OOO** and the spreadsheet has been lodged with the Court.

69. A true and correct copy of ROSS'S Board Discussion Materials, ROSS-010350910 (January 10, 2019) is attached to this declaration as **Exhibit PPP**.

70. A true and correct copy of ROSS'S webpage entitled [REDACTED] TR-0000031 is attached to this declaration as **Exhibit QQQ**.

71. A true and correct copy of [REDACTED] ROSS-009749504 is attached to this declaration as **Exhibit RRR**.

72. The slip sheet for a true and correct copy of a spreadsheet with the Filename  
[REDACTED] ROSS-023164403 (March 26, 2021) is attached to this declaration as **Exhibit SSS** and the spreadsheet has been lodged with the Court.

73. A true and correct copy of a ROSS article entitled, [REDACTED]  
[REDACTED] ROSS-010264561 is attached to this declaration as **Exhibit TTT**.

74. A true and correct copy of a document entitled [REDACTED]  
[REDACTED] INOVIA-00004549 (April 12, 2019) is attached to this declaration as **Exhibit UUU**.

75. A true and correct copy of an email entitled [REDACTED]

[REDACTED] ROSS-023167158 (November 6, 2019) is attached to this declaration as **Exhibit VVV**.

76. A true and correct copy of an email entitled [REDACTED]

[REDACTED] ROSS-009584733 (January 7, 2020) is attached to this declaration as **Exhibit WWW**.

77. A true and correct copy of excerpts from the transcript of the deposition of the representative for Y Combinator, Jonathan Levy on May 1, 2023, is attached to this declaration as **Exhibit XXX**.

78. A true and correct copy of excerpts from the transcript of the deposition of Sean Shafik on April 28, 2023, is attached to this declaration as **Exhibit YYY**.

79. A true and correct copy of a Retently webpage entitled “What is a Good Net Promoter Score (2023 NPS Benchmark),” (captured as a screenshot on September 27, 2023) is attached to this declaration as **Exhibit ZZZ**.

80. A true and correct copy of an email entitled [REDACTED]

[REDACTED] ROSS-023089340 (December 11, 2020) is attached to this declaration as **Exhibit AAAA**.

81. A true and correct copy of a ROSS’S webpage entitled “Simple Pricing. No Hidden Fees.” (captured as a screenshot on September 26, 2023) is attached to this declaration as **Exhibit BBBB**.

82. A true and correct copy of excerpts from the transcript of the deposition of Jim Ratliff on July 28, 2023, is attached to this declaration as **Exhibit CCCC**.

83. A true and correct copy of Plaintiffs/Counterdefendants Thomson Reuters Enterprise Centre GMBH and West Publishing Corporation's Responses to Defendant/Counterclaimant, ROSS Intelligence Inc.'s First Set of Counterclaim Interrogatories (Nos. 22-28) (May 11, 2023) is attached to this declaration as **Exhibit DDDD**.

84. A true and correct copy of ¶ 335c2 from Phillip E. Areeda and Herbert J. Hovenkamp's *Antitrust Law: An Analysis of Antitrust Principles and Their Application* (May 2023) is attached to this declaration as **Exhibit EEEE**.

85. A true and correct copy of a Thomson Reuters's article entitled, "Thomson Reuters Completes Acquisition of Casetext, Inc." (August 17, 2023) (downloaded on September 27, 2023) is attached to this declaration as **Exhibit FFFF**.

86. A true and correct copy of excerpts from the transcript of the deposition of Mihran A. Yenikomshian on August 2, 2023, is attached to this declaration as **Exhibit GGGG**.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed at San Francisco, California on September 28, 2023.

/s/ Beatrice Nguyen  
Beatrice Nguyen

11079570